

**REMARKS**

Applicants wish to thank the Examiner for courtesies extended to counsel during a telephonic interview on January 28, 2009. Applicants respectfully request that the foregoing amendments be entered at least because they do not raise any new issues requiring further search or consideration, and/or because they narrow the issues for appeal. Applicants' representative and the Examiner have discussed the substantive claim amendments with deliberation and at great length. Accordingly, it is Applicants position that the amendments do not raise any new issues requiring further search or consideration.

Claims 40, 47, 54 and 57 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2, 4, 8, 14, 17, 19, 23, 25, 26, 29, 34-54 and 57-66 are now pending in this application.

**Claim Rejections under 35 U.S.C. § 112**

Claims 2, 4, 8, 14, 17, 19, 23, 25, 26, 29, 34, 35, 40-54 and 58-66 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 2, 4, 8, 14, 17, 19, 23, 25, 26, 29, 34, 35, 40-54 and 58-66 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully traverse both rejections under 35 U.S.C. § 112. Adequate written description of an embodiment which provides contextual information only to the server is found at page 12, lines 6-19 of the disclosure. This portion of the disclosure adequately defines contextual information to include characteristics of the user, the user's profession, the type of CC devices, and subject matter of interest to the user. The disclosure also identifies examples of such contextual information, which are all unrelated to the target

location (user gender, nationality, laptop, pager, content of advertising). The disclosure at page 12, beginning at line 20 discloses an alternate embodiment in which the contextual information is used in combination with the location data.

Rather than unduly limit the claim, without agreeing or acquiescing to the rejections under §112, Applicants have amended independent claims 40, 47, 54 and 57 to adhere to delete the language “unrelated to said target location.” Accordingly, Applicants request that the rejection be withdrawn and claims 2, 4, 8, 14, 17, 19, 23, 25, 26, 29, 34, 35, 40-54 and 58-66 be allowed.

**Claim Rejections under 35 U.S.C. § 102**

Claims 2, 4, 8, 14, 17, 19, 23, 25, 26, 29, 34, 35, 40-43, 46-50, 53, 54, 60, 63 and 66 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent Publication No. 2005948040 (“DeLorme”). Claim 57 was rejected under 35 U.S.C. § 102 (a) as being anticipated by “Foreclosure Search”, a website published on January 25, 1999 (Foreclosure Search).

In response, without agreeing or acquiescing to the rejection, Applicants have amended independent claims 40, 47, 54 and 57. Further, Applicants respectfully traverse the rejection for the reasons set forth below. Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

*Claims 2, 4, 8, 14, 17, 19, 23, 25, 26, 29, 34, 35, 40-43, 46-50, 53, 54, 60, 63 and 66*

Applicants respectfully submit that DeLorme does not describe each and every element of the claims.

Independent claim 40 is directed to a “computer implemented method of communicating information concerning a target location for which a user seeks information from a server to a user’s computing/communication device” comprising in addition to other steps, ***“periodically auctioning off a right of exclusive promotion associated with said target***

*location to said exclusive sponsors and one or more bidders”* (emphasis added).

Independent claims 47 and 54 recite similar limitations.

As background and without limitation to the claims, the Examiner is referred to Fig. 4 and pages 13 and 14 of the application as filed. Fig. 4 is an exemplary embodiment directed to providing a user with housing related information. At stage 420, local exclusive content is made available. At stage 425, each region features five professions (i.e., agent, lender, insurance, title, and appraisal). Each of these exclusive professionals/sponsors has paid for the right to promote themselves exclusively within that region. The claimed method can auction off each region periodically. Professionals/sponsors currently advertising as exclusive regional professionals/sponsors may have the option to match the highest bidder and maintain their exclusive regional advertiser status or allow a bidder to assume that position. Accordingly, the claimed method receives location data from a user to generate location based information while maximizing the opportunity for regional sponsors to provide targeted advertising to the user based in part on the location data.

In contrast, DeLorme does not disclose, teach or suggest each and every element recited in independent claims 40, 47 and 54. DeLorme is directed to a travel reservation information and planning system. Users can use the system disclosed in DeLorme to create travel itineraries. *See Abstract*. DeLorme does not disclose exclusive sponsors, as recited in each of the present claims. Citing Figure 5D of DeLorme, the Office Action defines an exclusive sponsor as whoever bears the cost of the 15% discount promotion in dialog box 595, Fig 5D, col. 50, l. 23-31. This is not the common usage of “exclusive.” Using this standard in the office action, any sponsorship would be “exclusive” since only the advertiser sponsoring the ad can offer the sponsored goods or services from the advertised source, with or without a discount. Moreover all the independent claims recite exclusive sponsors for a target location (claims 40, 47, 54) or a geographical area (claim 57), thus distinguishing over DeLorme. That is, exclusive sponsors’ advertisements are featured in exclusive positions and/or have advertisements within premium space. This is in contrast to Fig. 5D of DeLorme which lists 5 food establishments, at least 3 of which (McCormick’s Fishhouse & Bar, Elliott’s Oyster House and Palisade) all serve seafood. There is no implication that DeLorme gives one

of these restaurants the right to appear in an exclusive position or in premium space such as the top of the list or another designated position specified by the restaurant.

As discussed with the Examiner during the telephonic interview on January 28, 2009, DeLorme fails also to disclose, teach or suggest “*periodically auctioning off a right of exclusive promotion associated with said target location to said exclusive sponsors and one or more bidders*” as claimed in independent claims 40, 47 and 54. The Final Office Action at p. 4 refers to the mention of the Palisade restaurant in the disclosure of DeLorme to attempt to show that sponsored information is provided by DeLorme. The Final Office Action asserts that the TRIPS system disclosed in DeLorme provides exclusive sponsored information to a user. However, DeLorme does not disclose, teach or suggest “*periodically auctioning off a right of exclusive promotion associated with said target location to said exclusive sponsors and one or more bidders*” as claimed in independent claims 40, 47 and 54.

Moreover, DeLorme fails to particularly disclose the concept of “exclusive promotion” and “exclusive sponsors.” As shown, for example, in Fig. 4, stages 420 and 425 each region features companies and/or individuals exclusively. That is, the sponsors (e.g., mortgage company, home insurance, title company, appraiser, real estate agent) have paid for the right to promote themselves exclusively within that region. This exclusivity insures that the professional or company is featured in an exclusive position or within a premium space for a predetermined amount of time, thus insuring the company/professional a large amount of exposure in return for their advertising dollar.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Here, DeLorme fails to disclose each and every limitation in as complete detail as is contained in amended independent claims 40, 47 and 54.

Accordingly, Applicants respectfully request that the rejection be withdrawn and independent claims 40, 47 and 54 be allowed. Further, claims 2, 4, 5, 8, 14, 17, 19, 20, 23,

25, 26, 29, 32, 34, 35, 41-46, 48-53 and 56 depend from one of claims 40, 47 or 54 and should be allowed for the reasons set forth above.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in DeLorme.

*Claim 57*

Applicants respectfully submit that Foreclosure Search does not describe each and every element of the claims.

Independent claim 57 is directed to a “computer implemented method of communicating residential real estate foreclosure information concerning a target location for which a user seeks residential real estate foreclosure information from a server to a user’s computing/communication device” comprising in addition to other steps, “*periodically auctioning off a right to exclusive promotion associated with said geographical region to the exclusive real estate professionals and one or more bidders*” (emphasis added).

As background and without limitation to the claims, the Examiner is referred to Fig. 4 and pages 13 and 14 of the application as filed. Fig. 4 is an exemplary embodiment directed to providing a user with housing related information. At step 420 local exclusive content is made available. At stage 425, each region features five professions (i.e., agent, lender, insurance, title, and appraisal). Each of these exclusive professionals/sponsors has paid for the right to promote themselves exclusively within that region. The claimed method can auction off each region periodically. Professionals/sponsors currently advertising as exclusive regional professionals/sponsors may have the option to match the highest bidder and maintain their exclusive regional advertiser status or allow a bidder to assume that position. Accordingly, the claimed method receives location data from a user to generate location based information while maximizing the opportunity for regional sponsors to provide targeted advertising to the user based in part on the location data.

In contrast, Foreclosure Search does not disclose, teach or suggest each and every element recited in independent claim 57. On page six of the Final Office Action, the Examiner asserts that the Foreclosure Search website discloses providing sponsored

information. However, the Foreclosure Search website does not disclose, teach or suggest “*periodically auctioning off a right to exclusive promotion associated with said geographical region to the exclusive real estate professionals and one or more bidders*” as claimed in claim 57.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Here, Foreclosure Search fails to disclose each and every limitation in as complete detail as is contained in amended independent claim 57.

Accordingly, Applicants respectfully request that the rejection be withdrawn and independent claim 57 be allowed. If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in Foreclosure Search.

#### **Claim Rejections under 35 U.S.C. § 103**

Claims 44, 45, 51, 52, 58, 59, 61, 62, 64 and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme. As set forth above, DeLorme fails to disclose, teach or suggest each and every limitation of independent claims 40, 47 and 54. Claims 2, 4, 5, 8, 14, 17, 19, 20, 23, 25, 26, 29, 32, 34, 35, 41-46, 48-53 and 56 depend from one of independent claims 40, 47 and 54 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein. Accordingly, Applicants request that the rejection be withdrawn.

#### **Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the

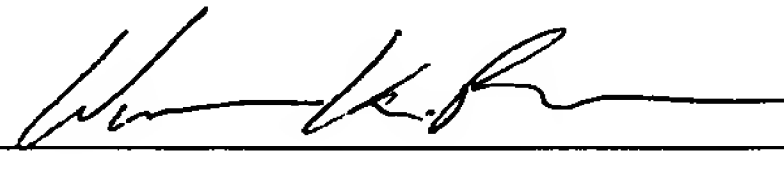



Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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